

commence negotiations for the acquisition of the lands located therein: *Provided*, That he shall not acquire the mineral estate in any property or existing easements for public utilities, pipelines or railroads without the consent of the owner unless, in his judgment, he first determines that such property or estate is subject to, or threatened with, uses which are, or would be, detrimental to the purposes and objectives of sections 698 to 698e of this title: *Provided further*, That the Secretary, insofar as is reasonably possible, may avoid the acquisition of improved properties, as defined in sections 698 to 698e of this title, and shall make every effort to minimize the acquisition of land where he finds it necessary to acquire properties containing improvements.

**(b) Plan to Congressional committees; time; contents**

Within one year after October 11, 1974, the Secretary shall submit, in writing, to the Committee on Interior and Insular Affairs and to the Committees on Appropriations of the United States Congress a detailed plan which shall indicate:

- (i) the lands and areas which he deems essential to the protection and public enjoyment of this preserve,
- (ii) the lands which he has previously acquired by purchase, donation, exchange or transfer for administration for the purpose of this preserve, and
- (iii) the annual acquisition program (including the level of funding) which he recommends for the ensuing five fiscal years.

**(c) Completion of land acquisition program; time**

It is the express intent of the Congress that the Secretary should substantially complete the land acquisition program contemplated by sections 698 to 698e of this title within six years after October 11, 1974.

(Pub. L. 93-439, § 2, Oct. 11, 1974, 88 Stat. 1256.)

CHANGE OF NAME

Committee on Interior and Insular Affairs of the Senate abolished and replaced by Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of Standing Rules of the Senate, as amended by Senate Resolution No. 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress. Committee on Natural Resources of House of Representatives treated as referring to Committee on Resources of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 698, 698b, 698c, 698e of this title.

**§ 698b. Right of use and occupancy of improved property on Big Thicket Preserve**

**(a) Election of right of use and occupancy; payment of fair market value; termination of right**

The owner of an improved property on the date of its acquisition by the Secretary may, as

a condition of such acquisition, retain for himself and his heirs and assigns a right of use and occupancy of the improved property for non-commercial residential purposes for a definite term of not more than twenty-five years or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless this property is wholly or partially donated to the United States, the Secretary shall pay the owner the fair market value of the property on the date of acquisition less the fair market value, on that date, of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purposes of sections 698 to 698e of this title, and it shall terminate by operation of law upon the Secretary's notifying the holder of the right of such determination and tendering to him an amount equal to the fair market value of that portion of the right which remains unexpired.

**(b) "Improved property" defined**

As used in sections 698 to 698e of this title, the term "improved property" means a detached year-round one-family dwelling which serves as the owner's permanent place of abode at the time of acquisition, and construction of which was begun before July 1, 1973, which is used for noncommercial residential purposes, together with not to exceed three acres of land on which the dwelling is situated and together with such additional lands or interests therein as the Secretary deems to be reasonably necessary for access thereto, such lands being in the same ownership as the dwelling, together with any structures accessory to the dwelling which are situated on such land.

**(c) Waiver of right to relocation assistance by election of right of use and occupancy**

Whenever an owner of property elects to retain a right of use and occupancy as provided in this section, such owner shall be deemed to have waived any benefits or rights accruing under sections 4623, 4624, 4625, and 4626 of title 42, and for the purposes of such sections such owner shall not be considered a displaced person as defined in section 4601(6) of title 42.

(Pub. L. 93-439, § 3, Oct. 11, 1974, 88 Stat. 1256; Pub. L. 94-578, title III, § 322, Oct. 21, 1976, 90 Stat. 2742.)

AMENDMENTS

1976—Subsec. (b). Pub. L. 94-578 substituted "detached year-round one-family dwelling which serves as the owner's permanent place of abode at the time of acquisition, and" for "detached, one-family dwelling,".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 698, 698a, 698c, 698e of this title.

**§ 698c. Administration of Big Thicket Preserve**

**(a) Natural and ecological integrity**

The area within the boundaries depicted on the map referred to in section 698 of this title shall be known as the Big Thicket National Pre-